

PATENT
27866/34810

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Gray, *et al.*

Serial No: 09/509,165

Internat'l Filing Date: September 28, 1998

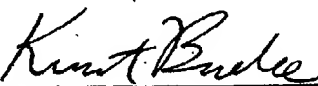
National Stage §371(c): June 12, 2000

For: "Macrophage Derived Chemokine
(MDC), MDC Analogs, MDC
Inhibitor Substances, and Uses
Thereof"

Group Art Unit: 1648

Examiner: Li, Bao Q.

) I hereby certify that this paper is being
) deposited with the United States Postal Service
) with sufficient postage as First Class Mail, in
) an envelope addressed to: Mail Stop Petition,
) Commissioner for Patents, P.O. Box 1450,
) Alexandria, VA 22313-1450 on October 27,
) 2003.

) 
) Kurt T. Buechle

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REQUEST AND PETITION FOR WITHDRAWAL OF
FINALITY OF OFFICE ACTION MAILED AUGUST 27, 2003

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
ATTN: Examiner Bao Q. Li

Sir:

The applicants respectfully request withdrawal of finality of the Office action mailed August 27, 2003, pursuant to MPEP § 706.07(c) and MPEP §§ 1002.02(c) and 1004 in the above-identified application. If a petition is required in this case, please consider this request as a petition under 37 CFR 1.181. No fees are believed due with this request. Nevertheless, the Commissioner is hereby authorized to charge any fees due with this request (or petition) to Deposit Account No. 13-2855. A response to the August 27, 2003 Office action is being filed concurrently with this request and petition (but addressed to Box AF).

I. STATEMENT OF THE FACTS

Applicants elected claims 26, 30, and 31 (Group VII) with traverse in response to a restriction requirement mailed May 17, 2002, in which the Office alleged that the claims


evidence that claims 40-43 are patentably distinct or independent from claims 26, 30, 31, 38 and 39. The applicants respectfully request a clear definition and explanation of the restriction(s) made in this application, and why it was made, to help clarify their rights in related applications, *e.g.*, double patenting issues in a divisional application. If the Office does not feel a further restriction is necessary, the applicants respectfully request that claims 40-43 be considered along with claims 26, 30, 31, 38 and 39.

The Office is invited to telephone the undersigned to discuss any remaining issues so as to expedite the progress of this case toward allowance.

Respectfully submitted,

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Dated: October 27, 2003


Kurt T. Buechle
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